



An  
Bord  
Pleanála

**S. 6(7) of Planning and  
Development (Housing)  
and Residential Tenancies  
Act 2016**

**Inspector's Report on  
Recommended Opinion  
ABP-306636-20**

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<b>Strategic Housing Development</b>	361 no. residential units (274 houses, 87 no. apartments)
<b>Location</b>	Lands at Clonattin, Gorey, Co. Wexford
<b>Planning Authority</b>	Wexford County Council
<b>Prospective Applicant</b>	Axis Construction Ltd.
<b>Date of Consultation Meeting</b>	12 <sup>th</sup> June 2020
<b>Date of Site Inspection</b>	24 <sup>th</sup> March 2020
<b>Inspector</b>	Sarah Moran

## **1.0 Introduction**

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## **2.0 Site Location and Description**

- 2.1. The development site is located on the western edge of Gorey, adjoining an existing housing estate known as Clonattin Village, which is accessed off the Clonattin Road. The Clonattin Village estate contains two storey housing and 3 – 4 storey apartment blocks, also a creche and a block of ‘neighbourhood centre’ units, which is vacant and incomplete at present. The site is also bound to the north east by the existing housing estate Hillcrest Drive.
- 2.2. The development site has a stated area of c. 14.35 ha and is currently in agricultural use aside from one existing derelict house and some road works and drainage infrastructure carried out on foot of a previous planning permission. It contains several field boundaries and has an elongated shape. It is bound to the north by a spine road serving Clonattin Village, also a public open space and play area within Clonattin village, at the eastern end of the site boundary. The Clonattin Stream runs along the southern site boundary. Levels fall within the site towards this natural drainage feature and there is also an attenuation pond within the southern site boundary, at the south eastern corner of the site.

## **3.0 Proposed Strategic Housing Development**

- 3.1. The following key points are noted:

<b>Site Area</b>	14.35 ha
<b>No. of residential units</b>	361
<b>Density</b>	Stated net density of 38 units / ha on resi zoned lands
<b>Height</b>	2-3 storeys
<b>Public Open Space Provision</b>	3.2 ha (c. 22%) Linear park along stream at southern site boundary.
<b>Part V</b>	36 units (15 no. apartments and 21 no. 3 bed houses).
<b>Childcare Provision</b>	None, Childcare Assessment submitted
<b>Roads Infrastructure</b>	Access to Clonattin Road via Clonattin Village
<b>Pedestrian / Cycle connections</b>	Connections to Clonattin Village
<b>Car Parking</b>	688 spaces for entire development 140 spaces for apartments (1.6 spaces per unit)
<b>Cycle Parking</b>	182 spaces for apartments

3.4. The development also includes demolition of existing buildings at the site. The development site boundary includes an area set aside for a school. The documentation submitted states that there has been some consultation with the Dept. of Education in relation to this area. This area is excluded from the proposed development.

3.5. The following housing mix is proposed:

<b>Unit Type</b>	<b>No. of Units</b>	<b>%</b>
<b>Apartments</b>		
1 bed	35	10%
2 bed	52	14%
<b>Houses</b>		
3 bed	141	39%
4 bed	128	35%
5 bed	5	2%
<b>Total</b>	<b>361</b>	

3.6. The applicant intends to submit an EIAR with the application.

## 4.0 Planning History

### 4.1. Reg. Ref. 2000/1220 Clonattin Village North of Development Site

4.1.1. 121 res. units the north of the development site

### 4.2. Reg. Ref. 2003/1306 Clonattin Village North East of Development Site

4.2.1. 284 res. units the north east of subject site

### 4.3. Reg. Ref. 2003/4476 PL26.209918 Clonattin Village Centre North West of Development Site

4.3.1. Clonattin Village centre, retail and office units with childcare centre and 52 no. apartments. To function as a 'village centre' for Clonattin Village but never completed.

4.3.2. Permission subsequently granted under **Reg. Ref. 2013/001** for change of use of partially completed 2 storey buildings from creche to community use, as permitted and constructed under PL26.209918.

4.3.3. Permission subsequently granted under **Reg. Ref. 2015/0769** for change of use of part of ground floor of existing partially complete building granted under PL26.209918 to use as retail grocery shop and associated minor amendments, also construction of access road to and from existing development to the existing estate roads including external parking area and connection to existing services.

4.3.4. Permission subsequently granted under **Reg. Ref. 2016/0328** for change of use of the first floor of existing partially complete building granted under PL26.209918 from a childcare facility to use as 4 no. apartments with external balconies & minor alterations to existing elevations & connection into public services.

4.3.5. Permission subsequently granted under **Reg. Ref. 2018/1687** for change of use of the ground floor of the existing partially completed building granted under PL26.209918 from childcare facility to use as 4 no. apts.

### 4.4. Reg. Ref. 2013/0002 Development Site

4.4.1. Outline Permission granted for the demolition of an existing dwelling, structures and the removal of a partially completed on-site sewage treatment plant to facilitate the

construction of 206 no. residential dwellings comprising a mix of terraced, semi-detached and detached houses and associated ancillary infrastructure provision, childcare facility, children's play area and open space provision while incorporating an existing surface water attenuation pond.

#### **4.5. Reg. Ref. 2013/0003 Lands Within Development Site**

- 4.5.1. Outline permission granted for the provision of playing fields/sports pitches and ancillary clubhouse facilities, vehicular access and on-site car parking provision on a site measuring approximately 1.08ha in extent.

### **5.0 National and Local Planning Policy**

#### **5.1. Section 28 Ministerial Guidelines**

- 5.1.1. Having considered the nature of the proposal, the receiving environment and the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Design Standards for New Apartments Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities

#### **5.2. Gorey Town and Environs Local Area Plan 2017-2023**

- 5.2.1. Three separate zoning objectives apply to the development site under the Gorey LAP:
- Most of the site has the zoning objective 'Residential R'
  - An area at the northern site boundary is zoned 'Community and Education CE'

- A strip of land along the Clonattin Stream at the southern end of the site is zoned 'Open Space and Amenity OS', including the existing attenuation pond in this part of the site.

Lands at Goreybridge to the south of the development site, on the opposite side of the Clonattin Stream, have the zoning objective 'Business and Technology Park BTP'.

5.2.2. There is a site specific LAP roads objective for a road on the eastern side of the site, to connect the Clonattin Road to the existing road serving Clonattin Village and to continue through the development site to serve the BTP zoned lands to the south and connect to the R742 Courtown Road.

5.2.3. The LAP includes a Neighbourhood Framework Plan for Clonattin. This covers an area of 198 ha, including lands at Clonattin Lower and Upper and Gorey Bridge. Site specific objectives include:

- To support the development of a Hub level recreational and amenity area to be known as Clonattin park.
- Provision of an upgraded community space at Clonattin Village
- Clonattin Upper Avenue to provide a north-south connection between the Clonattin Road and the Courtown Road. This will include existing and proposed routes within the Clonattin Village development.
- Development of the Clonattin Stream as a green infrastructure corridor and linear park.
- Pedestrian / cycle bridge at Clonattin Stream.

## 6.0 Forming of the Opinion

6.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

## 6.2. Documentation Submitted

6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

Completed Application Form; Planning Report; Statement of consistency; S247 Response; Initial Non-Technical Environmental Impact Assessment Report Summary; Childcare Assessment; Housing Quality Assessment; Design and Access Statement; Architectural Drawings; Existing building surveys; Landscape Design Statement; Landscape Drawings; Tree Report; Tree Constraints Plan; Tree Survey Drawing; Appropriate Assessment; Ecological Impact Assessment; Photomontages and CGI's (forming part of the Design and Access Statement); Traffic and Transport Design Statement; DMURS Statement of Consistency; Engineering Services Report; Site Specific Flood Risk Assessment; Construction Management Plan; Associated Engineering Drawings.

6.2.2. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

6.2.3. I have reviewed and considered all of the above-mentioned documents and drawings.

## 6.3. Planning Authority Submission

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Wexford County Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. These were received by An Bord Pleanála on 11<sup>th</sup> March 2020. The planning authority's 'opinion' included the following matters:

- The residential and open space proposals are fully compliant with the LAP. Approximately 5 acres of the site is zoned for Education & Community, the applicant was advised to consult with the Dept of Education regarding the need

for the provision of a new school in the area. The site is identified as a 'Key Development Site' in the Gorey LAP 2017 – 2023. It is considered that the proposed development is compliant with the relevant land use zoning policies.

- The proposed residential density is considered consistent with appropriate Development Plan policies.
- The provision of a 'Distributor Road' linking the site into the 'cinema site' on the Courtown Road is essential and is an objective on the Gorey LAP. Any planning application must include the provision of the 'Distributor Road' within the site edged red. Full technical details of the road must accompany any planning application. The distributor road must be constructed prior to the commencement of development on the site. Any proposal that does not include the distributor road should be refused as premature pending the provision of this road.
- The provision of public open space is considered to be of a high quality and in accordance with the guidance provided for in the Gorey LAP.
- Part V requirements as per County Development Plan standards
- The provision of childcare facilities should have regard to Guidelines for Planning Authorities on Childcare Facilities 2001. The proposed development has omitted any childcare facilities, which is considered unacceptable to the Planning Authority and as such would therefore be contrary to national and county development plan policies.
- The site is bordered by a small stream which is prone to flooding. The Planning Authority is satisfied that the proposed development of a linear park along the stream will address the issue of a flooding at this location.
- In relation to the overall design and layout, the proposed development is of a high quality and is largely compliant with the land use zoning policies of the Gorey LAP and the County Development Plan. The Education & Community zoning on a portion of this site requires further attention in relation to the delivery of such facilities so as the development is not contrary to the Gorey LAP. The Planning Authority would consider a temporary use of this space as amenity subject to the site becoming available for educational or community uses should the need arise.



## 6.4. Irish Water

6.4.1. The submission of Irish Water notes the following in relation to the water network and water treatment:

- There is a significantly high level of development interest in Gorey, Irish Water is currently modelling Gorey's water treatment and water network capacity to ensure measures including upgrades are in place to ensure growth is supported. Hydraulic modelling is due for completion in 2020 (subject to change). The result of this modelling is expected to confirm upgrades and any consents required to deliver these upgrades.
- There is a sewer traversing the site which is required to be accounted for in the site layout.
- The development can connect to Courtown-Gorey WWTP at this time, without any need for upgrade works.

## 6.5. Consultation Meeting

6.5.1. A section 5 Consultation meeting took place via Microsoft Teams on the 12<sup>th</sup> June 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.5.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Principle of Development with regard to relevant objectives of the Gorey Town and Environs Local Area Plan 2017-2023. Roads Layout and Provision of Distributor Road. Provision of an educational facility on the Education & Community zoned portion of the site. Phasing of development. Consistency with Clonattin Neighbourhood Framework Plan.
2. Design and layout of residential development.
3. Provision of Childcare Facilities with regard to local and national planning policy.
4. Traffic and Transport Impacts. Car and cycle parking provision.
5. Surface Water Drainage and Flood Risk. Wastewater treatment and upgrade to Gorey WWTP.

## 6. Any other matters

6.5.3. In relation to the Principle of Development, etc., ABP representatives sought further elaboration / discussion on:

- PA raises issues regarding the achievement of the LAP roads objective applying to the development site. In addition, several zoning objectives apply to the site under the LAP.
- The site is identified in the LAP as a key development site, infrastructure is already in place and the development is an extension to an existing housing estate
- Applicant to justify proposed roads layout and to submit Traffic Impact Assessment.
- Will have to address issues raised in PA Opinion regarding the roads objective at the site and the capacity of local junctions to cater for traffic from the development.
- Will need to address PA concerns regarding the issue of a single access from the Clonattin Road to serve both the existing Clonattin Village estate and the proposed development.
- Possible Material Contravention of LAP objectives?
- ABP questioned the PA as to whether the prospective applicant is required to deliver a portion of the roads objective or the entire orbital road
- Applicant to address if they will be carrying out road upgrades to north of the development site.
- ABP queried whether traffic from the school site has been factored in to projected traffic to be generated by the proposed development
- ABP can only deal with information before it when considering an application, applicant should facilitate provision of school and not prohibit/preclude future development

6.5.4. In relation to Design and Layout of Residential Development, ABP representatives sought further elaboration / discussion on:

- Applicant to address issues raised in PA Opinion in relation to design and layout and LAP Neighbourhood Framework Plan for Clonattin

- Show details of retention of trees / hedgerows as this issue has arisen in other SHD applications
- Linear Park along stream and at attenuation pond, objective is to continue beyond boundary to south of proposed development but in 3<sup>rd</sup> party ownership, applicant to provide connections to site boundary
- Justify how relevant objectives of the Clonattin Neighbourhood Framework Plan are being met in relation to layout and landscaping

6.5.5. In relation to Provision of Childcare Facilities, ABP representatives sought further elaboration / discussion on:

- Applicant to address issues raised in PA Opinion
- Notes applicant's rationale provided for not including childcare facility however Childcare Guidelines would require provision within the development
- ABP have imposed condition requiring childcare provision in SHD applications where childcare facility not provided, ensure robust argument included

6.5.6. In relation to Traffic and Transport Impacts. Car and cycle parking provision, ABP, representatives sought further elaboration / discussion on:

- Transport issues discussed at length in item 1
- There is limited pedestrian and cycle infrastructure on Clonattin Road and in the area.
- Prospective applicant will need to consider traffic connections and pedestrian/cycle connections including provision of links to boundary of development site
- Issue of car parking is not raised by Planning Authority, have regard to cycle parking requirements in the Apartment Guidelines
- Condition requiring provision of electric vehicle charging points is included in ABP decisions

6.5.7. In relation to Surface Water Drainage and Flood Risk. Wastewater treatment and upgrade to Gorey WWTP, ABP representatives sought further elaboration / discussion on:

- Development is to be served by the existing attenuation pond at the southern end of proposed site, no issues relating to this
- Development layout avoids the flood zones at the southern end of the site.
- Upgrade of Gorey WWTP on foot of Irish Water submission
- Irish Water submission states no issues with WWTP but issue with water network
- Prospective applicant to ensure clear details included in relation as to who will carry out upgrade works and timelines relating to them

6.5.8. In relation to any other matters, ABP representatives sought further elaboration / discussion on:

- Childcare provision

6.5.9. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-306636-20' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## 7.0 Conclusion and Recommendation

7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.

Having regard to all of the above, I recommend that further consideration and/or possible amendment of the documents submitted are required at application stage in respect of the following elements:

## Roads Layout and LAP Roads Objective

- 7.3. Having regard to the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **requires further consideration and amendment** in order to constitute a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8.0 Recommended Opinion

- 8.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.
- 8.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála is of the opinion that the documentation submitted **requires further consideration and amendment** to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 8.3. In the opinion of An Bord Pleanála, the following issues need to be addressed in the documents submitted to which section 5(5) of the Act of 2016 relates that could result in them constituting a reasonable basis for an application for strategic housing development:

## **Roads Layout and LAP Roads Objective**

Further consideration/justification of the documents as they relate to the specific roads objective that applies to the site under the Gorey Town and Environs Local Area Plan 2017-2023, 'Clonattin Upper Avenue', as set out in the Clonattin Neighbourhood Framework Plan. This objective is to provide a north-south connection between the Clonattin Road and the Courtown Road, to include existing and proposed routes within the Clonattin Village development.

The proposed development may be premature pending the delivery of this LAP roads objective.

The applicant is to address the delivery, or otherwise of this objective. The following matters are to be addressed in this regard:

- 1) Rationale for the proposed layout with regard to a detailed Traffic and Transport Impact Assessment, to include consideration of the capacity of the junction between Clonattin Village and the Clonattin Road and other relevant junctions in the area;
- 2) Achievement of satisfactory emergency access to the development site;
- 3) Comprehensive response to the concerns of Wexford County Council regarding the roads access from a single junction at Clonattin Road as outlined in the written submission dated 9<sup>th</sup> March 2020 and at the tripartite consultation meeting on 12<sup>th</sup> June 2020;
- 4) Compatibility of the proposed layout with other relevant objectives of the Clonattin Neighbourhood Framework Plan as set out in the Gorey Town and Environs Local Area Plan;
- 5) Consistency with DMURS;
- 6) Rationale for proposed parking provision with regard to development plan parking standards and to the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to include details of car parking management for the apartments;
- 7) Provision of any necessary upgrade works to the existing Clonattin Village road;

- 8) Achievement of satisfactory vehicular, cycle and pedestrian connections to adjoining zoned lands;
- 9) Road Safety Audit and Quality Audit.

The further consideration of this issue may require an amendment to the documents and/or design proposals submitted relating to the design and layout of the proposed development.

8.4. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Housing Quality Assessment with regard to the standards set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities. In this regard, the applicant is also advised to submit a Building Lifecycle Report.
2. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances and boundary treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The report should also demonstrate that the development provides the optimal architectural solution and sustainable development of the site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed height and design strategy having regard to inter alia, national and local planning policy, the site's context and locational attributes.

3. Rationale for proposed childcare provision (or lack of same) with regard to, inter alia, the 'Childcare Facilities Guidelines for Planning Authorities', circular letter PL 3/2016, and the 'Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities' (2018), to provide details of existing childcare facilities in the area and demand for childcare provision within the proposed scheme.
4. Comprehensive landscaping scheme for the entire site to include (i) tree Survey, Arboricultural Report and Impact Assessment, to provide a detailed survey of trees and hedgerows at the development site and assessment of the quality and quantity of the specimens to be removed, along with measures to protect trees and hedgerows to be retained during construction; (ii) rationale for proposed public open space provision for the housing development, to include an open space hierarchy, details of play areas and detailed layouts for the public open spaces; (iii) detailed proposals for the linear park at the southern end of the site, to include its ongoing maintenance and management, ecological impacts and consideration of biodiversity enhancement measures and (iv) additional landscaping details including details of hard and soft landscaping, play equipment (if provided), boundary treatments, delineation of public and communal open space provision, pedestrian and cycle facilities, public lighting, car and cycle parking areas and refuse storage areas.
5. Existing and proposed ground levels across the site. Detailed cross sections indicating proposed FFL's, boundary treatments, road levels, open space levels, SUDS measures, etc. relative to each other and relative to adjacent lands and structures. Also topographical details and cross sections to indicate the relationship between the development and the watercourse to the south of the site with regard to the protection of the riparian zone as required by development plan policy.
6. A site layout plan, which clearly indicates what areas are to be taken in charge by the Local Authority.



7. Site Specific Flood Risk Assessment, to include consideration of downstream impacts.
  8. Water infrastructure proposals to meet the requirements outlined in the submission on file of Irish Water dated 18<sup>th</sup> March 2020.
  9. AA Screening Report
- 8.5. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:
1. Irish Water
  2. Transport Infrastructure Ireland
  3. National Transport Authority
  4. Relevant Childcare Committees

**PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

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Sarah Moran

Senior Planning Inspector

24<sup>th</sup> June 2020